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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sutter)

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THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL JASON MICHELET,

Defendant and Appellant.

C061120

(Super. Ct. No. CRF08-2475)

Defendant Michael Jason Michelet lived with K.N. In September 2008, Kr., the two-year-old daughter of K.N., arrived at a hospital emergency room with a skull fracture, a bite mark on her wrist, a scratched left arm, and severe bruising on various places on her body, including her lower back and buttocks. The child was also wearing makeup. When a social worker asked her about her injuries, Kr. said, "Daddy do," and "Daddy did." Kr.'s eight-year-old sister, Ki., confirmed that defendant beats her and Kr. with a board, a belt, a fly swatter and his fists. Ki. told police defendant threatened to "tell people that she has lice and no one will like [her], and she

will go to CPS for a very long time" if she told anyone about Kr.'s bruises.

When police searched defendant's home, they discovered an 11-inch long, one-inch wide and one-half inch thick board, broken at one end; the other end had a paper towel wrapped around it that was secured with masking tape. The board was consistent with the injury to Kr.'s skull. Defendant denied any wrongdoing, stating Kr. was always falling and bumping herself. He claimed she suffered her injuries accidentally.

Defendant pleaded no contest to felony child endangerment (Pen. Code, § 273a, subd. (a)) and admitted having personally inflicted great bodily injury on a child under the age of five (Pen. Code, § 12022.7, subd. (d)), and stipulated to an aggregate sentence of 12 years in state prison, comprised of the upper term of six years for the offense, plus the upper term of six years for the enhancement. All remaining charges against defendant were dismissed in the interest of justice, as was an unrelated misdemeanor case pending against him.

The court sentenced defendant to 12 years as stipulated, minus applicable presentence custody credits, and imposed specified fees and fines. Defendant filed a timely notice of appeal.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel

of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant.

Having undertaken an examination of the entire record, we find no arguable error in favor of defendant.

DISPOSITION

The judgment is affirmed.

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SIMS, J.

We concur:

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SCOTLAND, P. J.

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BUTZ, J.